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HOUSE BILL 411

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Joe Thompson

AN ACT

RELATING TO CONSUMER PRODUCTS; REQUIRING AN AVERSIVE BITTERING
AGENT IN ANTIFREEZE; PROVIDING FOR A LIMITATION ON LIABILITY;
PROVIDING EXCEPTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. BITTERING AGENT IN ANTIFREEZE--LIABILITY
LIMITATION--EXCEPTIONS.--

A. An engine coolant or antifreeze sold in this
state after January 1, 2005 that is manufactured after July 1,
2004 and that contains more than ten percent ethylene glycol
shall include denatonium benzoate at a minimum of thirty parts
per million as a bittering agent within the product so as to
render it unpalatable. Another aversive agent may be used if
it meets or exceeds the degree of aversion in test subjects
obtained by using the formulation of thirty parts per million

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underscoring material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 of denatonium benzoate. A manufacturer or packager of a
2 product subject to the provisions of this section shall
3 maintain a record of the trade name, scientific name and active
4 ingredients of any bittering agent used pursuant to this
5 section. Information and documentation maintained pursuant to
6 this section shall be furnished to any member of the public
7 upon request.

8 B. A manufacturer, distributor, recycler or seller
9 of an automotive product that is required to contain an
10 aversive agent pursuant to this section is not liable to any
11 person for any personal injury, death or property damage that
12 results from the inclusion of denatonium benzoate in ethylene
13 glycol antifreeze.

14 C. The limitation on liability provided in
15 Subsection B of this section is only applicable if denatonium
16 benzoate is included in ethylene glycol antifreeze in the
17 concentrations mandated by this section.

18 D. The limitation on liability provided in
19 Subsection B of this section does not apply if the personal
20 injury, death or property damage results from willful or wanton
21 misconduct by the manufacturer, distributor, recycler or seller
22 of the ethylene glycol antifreeze.

23 E. The provisions of this section do not apply to:

24 (1) the sale of a motor vehicle that contains
25 engine coolant or antifreeze; or

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underscored material = new
[bracketed material] = delete

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(2) wholesale containers containing fifty-five
gallons or more of antifreeze.